

BEFORE THE EXECUTIVE DIRECTOR, DEPARTMENT OF REVENUE
STATE OF COLORADO

STIPULATION, AGREEMENT, AND ORDER

IN THE MATTER OF:

Nutritional Supplements LLC
1228 W. Elizabeth Street, Unit D8
Fort Collins, CO 80524
Medical Marijuana Center License Number 402-00838

Nutritional Supplements LLC
2647 W. 38th Ave.
Denver, CO 80211
Medical Marijuana Center License Number 402-00622

Nutritional Supplements LLC
38150 River Frontage Road, Unit 2D
New Castle, CO 81647
Optional Premises Cultivation License Number 403-00930

Nutritional Supplements LLC
38150 River Frontage Road, Unit 3B
New Castle, CO 81647
Optional Premises Cultivation License Number 403-00932

Nutritional Supplements LLC
2647 W. 38th Ave.
Denver, CO 80211
Medical Marijuana-Infused Products Manufacturer License Number 404-00245

Josh Stanley
[REDACTED]
Evergreen, CO [REDACTED]
Medical Marijuana Associated Key License Number M01265

Respondents.

The Colorado Department of Revenue, Marijuana Enforcement Division ("Division") and Nutritional Supplements LLC and Josh Stanley ("Licensees") hereby stipulate and agree as follows:

1. The terms and conditions of this Stipulation, Agreement, and Order ("Order") are subject to approval by the State Licensing Authority.
2. Kevin Lamar, co-owner of Nutritional Supplements LLC, is not a party to this Order.
3. On February 10, 2014, the Division issued an Order to Show Cause why the licenses identified in the caption of this Order should not be suspended or revoked. The Order to Show Cause is incorporated by reference and is attached to this Order.
4. Licensees admit to the following allegations:
 - a. Licensees violated section 12-43.3-701, C.R.S., and Rules 10.400(B)(6)(E), 11.200(D), 1.205(C)(5), and 10.105, 1 CCR 212-1 (2012) by failing to keep a complete set of all records necessary to show fully the business transaction of the Licensees.
5. On May 20, 2014, Licensees voluntarily surrendered their Licenses to the Division. The surrenders are effective upon execution of this Order by the State Licensing Authority.
6. Licensee Stanley's license expired on January 18, 2014.
7. Licensees agree that if they re-apply for any license or registration pursuant to the Medical Marijuana Code (C.R.S. § 12-43.3-101 *et seq*) or the Retail Marijuana Code (C.R.S. § 12-43.4-101 *et seq*), or any successor to such codes, in the next five (5) years, the Division will consider the circumstances surrounding this Order.
8. Licensees further agree, in lieu of proceeding to hearing on an Order to Show Cause, and subsequent proceedings, to submit to the following sanction:
 - a. To pay a \$5,000.00 fine by certified check or money order paid to the order of the Colorado Department of Revenue within 30 days following service of the fully executed Order.
9. Licensees shall coordinate with the Division's Legal Assistant, Dominique Mendiola, at (303) 866-3293 within seven (7) days of the State Licensing Authority's approval of this Order to schedule an appointment to pay the \$5,000.00 fine. Payment shall be made by certified check or money order made payable to the Colorado Department of Revenue, and be delivered to the Marijuana Enforcement Division, 455 Sherman Street, Suite 390, Denver, Colorado.
10. Licensees acknowledge receipt of sufficient notice, advisement of rights, and process of the proceedings, and understand that this Order resolves all issues that were the subject of the Order to Show Cause.
11. Licensees agree and acknowledge that Licensees have entered into this Order knowingly and voluntarily. Licensees acknowledge that the terms of this Order were mutually

negotiated and agreed upon. After the opportunity to consult with legal counsel, Licensees affirm that Licensees have read this Order and fully understand its nature, meaning and content. Licensees agree that upon execution of this Order, no subsequent action or assertion shall be maintained or pursued by Licensees asserting the invalidity in any manner of this Order.

12. Licensees understand and knowingly and voluntarily enter into this Order. Licensees further understand and knowingly and voluntarily waive the following rights:

- a. The right to a formal hearing on the merits of the matters raised in the Order to Show Cause and the right to require the State Licensing Authority to meet its burden of proof in a formal hearing;
- b. The right to cross-examine all witnesses against Licensees at a formal hearing;
- c. The right to subpoena witnesses, present evidence and to testify on Licensees' own behalf at a formal hearing;
- d. The right to engage in pre-hearing discovery of the State Licensing Authority's evidence; and
- e. The right to appeal this Order.

13. The parties to this Order shall each be responsible for their own fees and costs.

14. This Order Shall:

- a. Upon execution by all parties, have the same force and effect as an order entered after a formal hearing pursuant to sections 24-4-105 and 12-43.3-601, C.R.S., except that it may not be appealed.
- b. Upon execution by all parties, represent the entire and final agreement of the parties. In the event that any provision of this Order is deemed unenforceable by a court of competent jurisdiction, such provision shall be severed, and the remainder of this Order shall be given full force and effect.
- c. Upon approval and order of the State Licensing Authority, become a permanent part of the record, and shall be open to public inspection pursuant to applicable law.
- d. Be effective on the date approved and ordered by the State Licensing Authority. Should the State Licensing Authority reject the terms hereof, the matter shall be re-scheduled for a hearing based upon the Order to Show Cause.

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Stanley
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Lewis Kiski
Director
Marijuana Enforcement Division

12/21/14
Date


Josh Stanley
Nutritional Supplements LLC

12/20/14
Date


APPROVED and ORDERED this 26th day of January 2015

Barbara J. Brühl
Barbara J. Brühl
Executive Director
Department of Revenue
State Licensing Authority

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing STIPULATION, AGREEMENT, AND ORDER was duly sent via U.S. Mail, this 27th day of JANUARY, 2015, addressed as follows:

Kelly A. Rosenberg Assistant Attorney General Colorado Department of Law 1300 Broadway, 8 th Floor Denver, CO 80203	Sean T. McAllister, Esq. McAllister Law Office, P.C. 36 Steele Street, Ste. 200 Denver, CO 80206
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By 
Mia Tsuchimoto